REMARKS

The Office Action dated February 1, 2007 has been carefully considered. Claims 1, 50-89 and 91-101 are pending in the present application. As discussed below, claim 1 has been amended to more particularly point out the presently claimed embodiment of the invention. Claims 98 and 99 have been amended to include the phrase "wherein the main body portion has a first end portion, a middle portion and a second end portion" in order to clarify what is being claimed. Support for the amendments can be found throughout the specification particularly, page 4, lines 6-7 in the originally filed specification, originally filed claim 1 and Figure 11. Claim 90 has been cancelled. Claims 50-89 are withdrawn. No new matter has been introduced. Reconsideration of the present application in view of the above amendments and the following remarks is respectfully requested.

The Applicant wishes to thank the Examiner for his time during the telephone interview on April 24, 2006 with Applicant's attorney Janet E. Fair. During the telephone interview, the Examiner agreed that U.S. Patent No. 6,488,701 to Nolting *et al.* ("Nolting") does not teach or suggest a biocompatible coating comprising a polymer or a drug directly on the end portion of a metal surface of a stent.

In light of the April 24, 2006 interview, Applicant has amended claim 1 to more particularly point out and claim an expandable intraluminal stent having a main body portion having a metal surface wherein the surface has a first end portion and a biocompatible coating directly on at least the first end portion of the metal surface of the main body portion.

I. CLAIM REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 96 is rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In particular, the Examiner has objected to the use of the phrase "gel-like" in claim 96 for allegedly not being clearly defined in the specification as to what materials are considered to be gel-like. The Applicant respectfully disagrees.

As discussed in the specification, gel-like materials are polymers that can absorb and release a drug, "[d]ue to their (polymers) gel-like nature, the stent can then be inserted into a drug solution. The drug will be absorbed into/onto the gel. The stent can then be delivered into the body. The drug will then be released" (page 8, lines 15-17). Also, a non-limiting, exemplary list of gel-like materials can be found in the specification on page 8 beginning at line 22. Thus, the Applicant believes that the phrase "gel-like" is clearly defined in the

specification and the rejection of claim 96 under 35 U.S.C. § 112, second paragraph should be withdrawn.

II. CLAIM REJECTION UNDER 35 U.S.C. § 102(e)

Claims 1, 90-92, 94-96, and 98-101 are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by U.S. Patent No. 6,488,701 to Nolting *et al.* ("Nolting"). This rejection is respectfully traversed.

As amended, independent claim 1 recites "[a]n expandable intraluminal stent comprising a main body portion having a metal surface wherein the surface has a first end portion, a second end portion and a middle portion; a flow passage defined therethrough; and a biocompatible coating directly on at least the first end portion of the metal surface of the main body portion, wherein the biocompatible coating comprises a polymer or a drug, and wherein the middle portion surface is free of the biocompatible coating." Claim 90 has been cancelled. Claims 91-92, 94-96 and 98-101 depend from claim 1 and, therefore, include all the recitations of claim 1.

Nolting does not disclose or suggest "an expandable intraluminal stent comprising a main body portion having a metal surface wherein the surface has a first end portion and a biocompatible coating *directly on at least the first end portion of the metal surface* of the main body portion and wherein the *middle portion surface is free of the biocompatible coating*, as recited in claim 1 (emphasis added).

Nolting discloses a stent-graft assembly comprising a stent having at least one support member wherein "[s]ome or all of the support member or members comprise a coating which substantially encapsulates the coated support member or members" and "the stent-graft includes an ultra-thin membrane or covering which is attached to the coating" (col. 5, lines 32-38). Nolting also discloses that "the proximal and distal regions of the stent-graft can have an *additional coating over the first coating and the membrane*" (col. 5, lines 38-40) (emphasis added).

Unlike the present invention, Nolting does not disclose or suggest that the middle portion surface of its stent is free of the biocompatible coating that is directly on the first end portion of the metal surface of the stent, as recited in the present claims. In fact, Nolting teaches that the coating 20 that is disposed on the surface of the ends of its stent also covers the surface of the middle of Nolting's stent (see Figure 2 of Nolting). Figure 2 of Nolting shows a stent (9) with a first coating (20) on "some or all of the support members (11)," a thin membrane (21) over the first coating (20), and a second coating (34) over the thin

membrane and the first coating (20) on the distal portion of the stent (col. 7, ll. 35-52). By teaching that the coating 20, which is on the surface of the ends of the stent, also covers the surface of the middle of Nolting's stent, Nolting teaches away from the present invention where the middle portion of the metal surface of the stent is free of the biocompatible coating that is directly on an end portion of the metal surface, as recited by claim 1.

In the Office Action, the Examiner alleges that Nolting discloses "in figure 2 and lines 35-57 of col. 7 a balloon expandable stent comprising a first end portion having at least one surface comprising a coating 34 which is not present on the middle portion." (Office Action, page 3). However, Nolting discloses that "the proximal and distal regions of the stent-graft can have an *additional coating over the first coating and the membrane*" (col. 5, lines 38-40) (emphasis added). Thus, Nolting does not disclose or suggest that the second or additional coating 34 that is disposed on the end portions of Nolting's stent is disposed directly on the metal surface of the stent, as recited by the present claims.

Thus, for the above reasons, it is believed that claim 1 and the claims depending therefrom are patentable over Nolting. Accordingly, withdrawal of this rejection and allowance of claims 1, 91-92, 94-96 and 98-101 are respectfully requested.

III. CLAIM REJECTION UNDER 35 U.S.C. § 103(a)

A. Claim 93 Is Patentable Under 35 U.S.C. § 103(a) Over Nolting in View of U.S. Patent No. 6,620,194 to Ding et al.

Claim 93 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nolting as applied to claims 1, 90-92, 94-96, and 98-101, and further in view of U.S. Patent No. 6,620,194 to Ding *et al.* ("Ding"). This rejection is respectfully traversed.

Claim 93 depends from claim 1 and therefore includes all the recitations of claim 1. As discussed above, Nolting does not teach or suggest an expandable intraluminal stent comprising a main body portion having a metal surface wherein the surface has a first end portion and a biocompatible coating directly on at least the first end portion of the metal surface of the main body portion and wherein the middle portion surface is free of the biocompatible coating, as recited in claim 1. In order to remedy the deficiencies of Nolting the Examiner cites Ding. However, Ding does not remedy the deficiencies of Nolting. Therefore, since Nolting in view of Ding does not teach or suggest each and every element of claim 93, the Applicant requests that the rejection of claim 93 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nolting in view of Ding be withdrawn.

B. Claim 97 Is Patentable Under 35 U.S.C. § 103(a) Over Nolting in View of U.S. Publication No. 2004/0106985 to Jang

Claim 97 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nolting as applied to claims 1, 90-92, 94-96, and 98-101, and further in view of U.S. Publication No. 2004/0106985 to Jang. This rejection is respectfully traversed.

Claim 97 depends from claim 1 and therefore includes all the recitations of claim 1. As discussed above, Nolting does not teach or suggest an expandable intraluminal stent comprising a main body portion having a metal surface wherein the surface has a first end portion and a biocompatible coating directly on at least the first end portion of the metal surface of the main body portion and wherein the middle portion surface is free of the biocompatible coating, as recited in claim 1. In order to remedy the deficiencies of Nolting the Examiner cites Jang. However, Jang does not remedy the deficiencies of Nolting. Therefore, since Nolting in view of Jang does not teach or suggest each and every element of claim 97, the Applicant requests that the rejection of claim 97 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nolting in view of Jang be withdrawn.

IV. CONCLUSION

In light of the above amendments and remarks, it is believed that the claim rejections have been overcome and that the present application is in condition for allowance. Should the Examiner not agree with Applicant's position, then a personal or telephonic interview is respectfully requested to discuss any remaining issues and expedite the eventual allowance of the application.

Respectfully submitted,

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Gidon D. Stern (Reg. No. 27,469)

By:

Catharina J. Chin Eng (Reg. No. 42,412)

JONES DAY
222 East 41st Street
New York, New York 10017
(212) 326-3939